

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

Translation

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	See Form PCT/ISA/210 (sheet 2)
Applicant's or agent's file reference M 5201 PCT		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/EP2004/011580	International filing date (day/month/year) 15.10.2004	Priority date (day/month/year) 31.10.2003	
International Patent Classification (IPC) or both national classification and IPC F16C33/44			
Applicant MYONIC GMBH			

1.	This opinion contains indications relating to the following items:	
<input checked="" type="checkbox"/>	Box No. I Basis of the opinion	
<input checked="" type="checkbox"/>	Box No. II Priority	
<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	
<input type="checkbox"/>	Box No. IV Lack of unity of invention	
<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
<input type="checkbox"/>	Box No. VI Certain documents cited	
<input type="checkbox"/>	Box No. VII Certain defects in the international application	
<input type="checkbox"/>	Box No. VIII Certain observations on the international application	
2.	FURTHER ACTION	
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.		
If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.		
For further options, see Form PCT/ISA/220.		
3. For further details, see notes to Form PCT/ISA/220.		

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	
Telephone No.	

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II Priority

1. The following document has not yet been furnished:
 - copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 - translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p>1. Statement</p> <table> <tr> <td>Novelty (N)</td> <td>Claims</td> <td>1-6, 8</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td></td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>7, 9</td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td>1-9</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> </table>			Novelty (N)	Claims	1-6, 8	YES		Claims		NO	Inventive step (IS)	Claims		YES		Claims	7, 9	NO	Industrial applicability (IA)	Claims	1-9	YES		Claims		NO
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	Claims		NO																							
Inventive step (IS)	Claims		YES																							
	Claims	7, 9	NO																							
Industrial applicability (IA)	Claims	1-9	YES																							
	Claims		NO																							
<p>2. Citations and explanations:</p> <p>1. Reference is made to the following documents:</p> <p>D1: DE 1 933 228 A D2: US 3 744 862 A D3: US 4 541 739 A</p> <p>Claim 1</p> <p>2. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).</p> <p>Document D1 (compare page 13, line 5 to page 14, line 11 and figures 1 to 3) discloses (the references between parentheses relate to this document): a ball bearing 10 with an inner ring 12 and an outer ring 11 arranged coaxial thereto, ball bearings 13 which are guided with the aid of a cage 14 being arranged between the inner ring 12 and the outer ring 11, the cage consisting of a composite material (see page 8, paragraph 2) which contains epoxy resin (page 14, lines 6 to 11) and fibres 27 - 33 (table on page 13).</p>																										

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

3. The subject matter of claim 1 is likewise completely known from documents D2 (column 2, line 63 to column 3, line 45 and figures 1 to 3) and D3 (column 2, line 23 to column 3, line 20 and figures 1, 2).

Claims 2 to 9

4. Dependent claims 2 to 9 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step. See also the passages cited with respect to the claims:
claim 2: D1, page 14, lines 9 to 11, temperature resistance up to 149°C; moreover, claim 1 only repeats the requirements for the cage material that constitutes the problem on which the application is based and is intended to be solved by the characterizing features of claim 1 (PCT Article 6);
claim 3: D1, cage consists only of binder and fibres;
claim 4: D1, table on page 13;
claim 5: D1, figures 4 to 8;
claim 6: D3, woven fabric 22;
claim 7: nonwoven fabric generally known in the case of GRP parts;
claim 8: D2, column 3, paragraph 2; D3, column 2, paragraph 3;
claim 9: ball bearings with these dimensions are generally known.